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7 THE OLIVE GARDEN ITALIAN
RESTAURANT

8
9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
10

11 RACHEL W. KOVAR,
12 Plaintiffs,

13 vs.

14 GMRI, INC. d/b/a THE OLIVE GARDEN
15 ITALIAN RESTAURANT, a Florida
foreign corporation; DOE Individuals I
16 through X; and ROE Corporations and
Organizations I through V, inclusive,

17 Defendants.
18

CASE NO. 2:20-cv-01819-JCM-BNW

[PROPOSED] STIPULATION AND
ORDER TO EXTEND DISCOVERY
DEADLINES

[THIRD REQUEST]

19 COME NOW, Defendant GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN
20 RESTAURANT ("Defendant") and Plaintiff RACHEL W. KOVAR ("Plaintiff"), by and
21 through their respective counsel of record, and pursuant to LR 6-1 and LR 26-3, hereby
22 stipulate and request that all current discovery deadlines in the above-captioned case be
23 continued for a period of sixty (60) days. In addition, the parties request that all other
24 future deadlines contemplated by the Scheduling Order be extended pursuant to Local
25 Rule. In support of this Stipulation and Request, the parties state as follows

26 1. On September 30, 2020, Defendant filed its Petition for Removal regarding
27 Eighth Judicial District Court Case No. A-20-820490-C. [ECF No. 1]

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1 2. On September 30, 2020, Defendant answered Plaintiff's Complaint in the
2 federal court action. [ECF No. 5]
3 3. On October 13, 2020, the parties conducted an initial FRCP 26(f)
4 conference.
5 4. On October 16, 2020, Plaintiff served her FRCP 26 Initial Disclosures on
6 Defendant.
7 5. On October 27, 2020, Defendant served its FRCP 26 Initial Disclosures on
8 Plaintiff.
9 6. On October 27, 2020, the parties filed a Stipulated Discovery Plan and
10 Scheduling Order. [ECF No. 9]
11 7. On October 29, 2020, the parties submitted the Joint Status Report as
12 ordered by ECF No. 6. [ECF No. 10]
13 8. On November 3, 2020, Plaintiff served interrogatories and requests for
14 production of documents on Defendant.
15 9. On November 11, 2020, Defendant served interrogatories, requests for
16 admissions, and requests for production of documents on Plaintiff.
17 10. On November 12, 2020, the Court denied the parties' Discovery Plan and
18 Scheduling Order [ECF No. 9] and issued the currently operative Scheduling Order. [ECF
19 No. 11]
20 11. On December 2, 2020, Defendant served it responses to Plaintiff's written
21 discovery requests.
22 12. On December 7, 2020, Plaintiff's counsel requested, and Defendant's
23 counsel agreed to, an extension for Plaintiff to respond to Defendant's written discovery
24 requests.
25 13. On December 28, 2020, Plaintiff served her responses to Defendant's
26 written discovery requests.

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14. On January 7, 2021, the proposed Stipulation and Order to Extend Discovery Deadlines [First Request] was submitted to the Court [ECF No. 12].

15. On January 11, 2021, the Court issued the Stipulation and Order to Extend Discovery Deadlines [First Request] [ECF No. 13].

16. On January 14, 2021 Plaintiff served her First Supplemental Response to Defendant, GMRI, Inc. d/b/a The Olive Garden Italian Restaurant Request for Production of Documents.

17. On January 27, 2021, Defendant GMRI, Inc. d/b/a The Olive Garden Italian Restaurant took Plaintiff's deposition.

18. On March 10, 2021, Plaintiff issued a Notice of Taking Deposition of Billy Poston, scheduled for April 8, 2021, at 10:00 a.m.

19. On May 13, 2021, Plaintiff served her Second Supplement to Initial Disclosures Pursuant to FRCP 26(a)(1).

DISCOVERY REMAINING

1. Plaintiff will take the deposition of Defendant's employee witness involved in the subject accident.

2. The parties will designate initial expert witnesses.

3. The parties will designate rebuttal expert witnesses.

4. The parties will take the depositions of the designated expert witnesses.

5. The parties will take the depositions of any and all other witnesses garnered through discovery.

6. The parties will continue to gather relevant records.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

Pursuant to Local Rule 26-3, the parties aver that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery. Although Plaintiff's

1 deposition has been taken and the deposition of Billy Poston was scheduled for April 8,
2 2021, nonetheless, the COVID-19 pandemic has slowed the parties' ability to streamline
3 discovery. The parties are engaged in settlement negotiations and have agreed to
4 continue Mr. Poston's deposition and expert discovery to see if this case may be
5 resolved. To that extent, the parties have scheduled mediation with The Honorable
6 Trevor Atkin at Advanced Resolution Management for June 17, 2021. This was the first
7 date that Mr. Atkin and the parties were all available for mediation. The parties would like
8 additional time to exhaust settlement negotiations prior to having to incur the expense
9 and time associated in preparing for expert discovery.

10 Pursuant to the above, the parties have conferred and request an extension of the
11 current deadlines as they will not currently suffice for the logistics of this case.

12 **EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
13 **SCHEDULING ORDER**

14 LR 26-3 governs extensions of the Discovery Plan and Scheduling Order. Any
15 stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must
16 be made no later than twenty-one (21) days before the expiration of the subject deadline
17 and must comply fully with LR 26-3.

18 This is the third request for extension of time in this matter. The parties respectfully
19 submit that the reasons set forth above constitute compelling reasons for the extension.

20 The following is a list of the current discovery deadlines and the parties' proposed
21 extended deadlines:

Event	Current Deadline	Proposed Deadline
Expert Disclosure pursuant to FRCP 26(a)(2)	<i>June 28, 2021</i>	<i>August 27, 2021</i>
Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	<i>July 28, 2021</i>	<i>September 27, 2021</i>
Discovery Cut-off	<i>August 27, 2021</i>	<i>October 26, 2021</i>
Dispositive Motions	<i>September 27, 2021</i>	<i>November 29, 2021</i>

1	Joint Pretrial Order	October 27, 2021	December 27, 2021
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3 WHEREFORE, the parties respectfully request that all current discovery deadlines
4 in the above-captioned case be continued for a period of sixty (60) days, as outlined in
5 accordance with the table above.

6 DATED this 3rd day of June, 2021.

DATED this 3rd day of June, 2021.

7 LEWIS BRISBOIS BISGAARD &
8 SMITH LLP

O'REILLY LAW GROUP, LLC

9 */s/ Josh Cole Aicklen*

/s/ Timothy R. O'Reilly

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15 ITALIAN RESTAURANT

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RACHEL W. KOVAR

23 ORDER

24 IT IS SO ORDERED.

25 DATED this 8th day of Jun, 2021.

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27 U.S. MAGISTRATE JUDGE